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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 13, 2006

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Keough, Marley, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Emily Kuhl, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 10, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Andreason was recorded present at this order of business.

SCR 132 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A THOROUGH ASSESSMENT OF THE ROLE AND MISSION OF POSTSECONDARY PROFESSIONAL-TECHNICAL AND ACADEMIC EDUCATION IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho citizens understand the importance of offering postsecondary professional-technical and academic educational opportunities that are delivered in an efficient, affordable and accessible manner; and

WHEREAS, we acknowledge the outstanding efforts of institutions of higher education, both public and private, in providing postsecondary educational services; and

WHEREAS, we acknowledge the importance of a well-trained and well-educated work force as essential to Idaho's citizens and economy; and

WHEREAS, we believe a strong postsecondary educational system will enhance Idaho's reputation as a leader in today's newly-emerging economy, which is becoming increasingly international in scope; and

WHEREAS, this new economy will require Idaho's workforce to be better educated in order for Idaho's businesses to compete nationally and globally; and

WHEREAS, business leaders are anxious to work directly with educational leaders to design curricula for educational partnerships, and to provide business experts who will participate in projects throughout the educational partnerships; and

WHEREAS, Idaho businesses will continue to contribute to the programs through taxes, scholarships, in-kind donations, subsidizing employer costs to the educational programs and providing well-educated business persons as faculty; and

WHEREAS, at the present time, minimal community college functions are being provided in Idaho; and

WHEREAS, private foundations are being sought as partners to obtain funding to assist in enhancing postsecondary educational offerings; and

WHEREAS, issues of local control and funding of an efficient, affordable and accessible postsecondary system of education, remain unresolved.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a thorough assessment of the role and mission of postsecondary professional-technical and academic education in Idaho. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the appointed committee shall involve and request information from representatives of both public and private partnerships, educational institutions including professional-technical education, the Office of the State Board of Education, and members of the business community, Legislature and other interested persons or organizations.

BE IT FURTHER RESOLVED that the appointed committee shall make recommendations as necessary for changes to existing statutes regarding such postsecondary issues as the role, mission, funding, governance and academic programs of community colleges, and the burdens placed on community college taxing districts and professional-technical programs.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

SCR 132 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Pearce was recorded present at this order of business

March 13, 2006

The JUDICIARY AND RULES Committee reports that **S 1442** has been correctly printed.

DARRINGTON, Chairman

S 1442 was referred to the Finance Committee.

March 10, 2006

The STATE AFFAIRS Committee reports out **S 1429** with the recommendation that it do pass.

BURTENSHAW, Chairman

S 1429 was filed for second reading.

March 10, 2006

The STATE AFFAIRS Committee reports out **H 707** and **H 694** with the recommendation that they do pass.

BURTENSHAW, Chairman

H 707 and **H 694** were filed for second reading.

March 10, 2006

The STATE AFFAIRS Committee reports out **H 673** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **H 673** was referred to the Fourteenth Order of Business, General Calendar.

March 13, 2006

The FINANCE Committee reports out **S 1442** with the recommendation that it do pass.

CAMERON, Chairman

S 1442 was filed for second reading.

March 10, 2006

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Douglas Hancey to the Park and Recreation Board, term to expire June 30, 2011.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 10, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **H 524**, **H 525**, **H 527**, **H 528**, and **H 639** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

SCHROEDER, Chairman

H 524, **H 525**, **H 527**, **H 528**, and **H 639** were filed for second reading.

March 10, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1283**, **H 526**, and **H 529** with the recommendation that they do pass.

SCHRODER, Chairman

S 1283, **H 526**, and **H 529** were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 10, 2006

Mr. President:

I transmit herewith **H 752**, **H 712**, **H 766**, **H 767**, **H 696**, **H 734**, **H 720**, **H 756**, **H 782**, **H 783**, **H 762**, **HCR 55**, **H 723**, **H 765**, **H 754**, **H 755**, and **H 757** which have passed the House.

JUKER, Chief Clerk

H 752, **H 712**, **H 766**, **H 767**, **H 696**, **H 734**, **H 720**, **H 756**, **H 782**, **H 783**, **H 762**, **HCR 55**, **H 723**, **H 765**, **H 754**, **H 755**, and **H 757** were filed for first reading.

March 10, 2006

Mr. President:

I return herewith **S 1301**, **S 1268**, **S 1269**, **S 1270**, **S 1271**, and **S 1272** which have passed the House.

JUKER, Chief Clerk

S 1301, S 1268, S 1269, S 1270, S 1271, and S 1272 were referred to the Judiciary and Rules Committee for enrolling.

March 10, 2006

Mr. President:

I transmit herewith Enrolled **HCR 46, H 457, H 483, H 672, H 579, H 580, H 581, H 708, H 411, H 490, H 493, H 410, H 463**, as amended, **H 603, H 608, H 547, H 559, H 685, H 590, H 475, H 548, H 549, H 550, and H 551** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 46, H 457, H 483, H 672, H 579, H 580, H 581, H 708, H 411, H 490, H 493, H 410, H 463**, as amended, **H 603, H 608, H 547, H 559, H 685, H 590, H 475, H 548, H 549, H 550, and H 551** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the State Affairs Committee report, having been held, relative to the Gubernatorial appointment of John Ewing was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of John Ewing as a member of the State Building Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senators Keough and Marley were recorded present at this order of business.

The President announced that **SCR 131** was before the Senate for final consideration.

Moved by Senator Compton, seconded by Senator Stennett, that **SCR 131** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams.
Total - 31.

NAYS--Fulcher, Geddes, Pearce, Sweet. Total - 4.

Total - 35.

Whereupon the President declared **SCR 131** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

The President called President Pro Tempore Geddes to the Chair.

S 1443 **BY FINANCE COMMITTEE** AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2007; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CONDITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1444 **BY FINANCE COMMITTEE** AN ACT

APPROPRIATING MONEYS FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; PROVIDING FOR A FUNDING EQUITY PAYMENT TO BOISE STATE UNIVERSITY AND IDAHO STATE UNIVERSITY; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

S 1445 **BY FINANCE COMMITTEE** AN ACT

APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2007; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1446 **BY FINANCE COMMITTEE** AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1447 **BY FINANCE COMMITTEE** AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1443, S 1444, S 1445, S 1446, and S 1447 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 752 and H 712, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 766 and H 767, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 696, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 734, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 720 and H 756, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 782 and H 783, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 762, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

HCR 55, by State Affairs Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

H 723, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 765 and H 754, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 755, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 757, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Sweet was recorded present at this order of business.

H 491, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 649, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 520, H 521, H 433, and H 522, by Business Committee, were read the second time at length and filed for third reading, Consent Calendar.

H 538, H 539, and H 645, by Business Committee, were read the second time at length and filed for third reading.

H 605, H 606, H 607, and H 609, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

S 1437, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1434 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Darrington, Brandt, and Little.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Cameron.

The President directed the Sergeant at Arms to find and present Senator Cameron to the Senate.

Senator Cameron was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1434** pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1434** passed, title was approved, and the bill ordered transmitted to the House.

S 1435 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1435** passed, title was approved, and the bill ordered transmitted to the House.

S 1436 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1436** passed, title was approved, and the bill ordered transmitted to the House.

S 1425 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1425** passed, title was approved, and the bill ordered transmitted to the House.

S 1356, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1356**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1357, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Coiner, Compton, Corder, Davis, Gannon, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McKenzie, Stegner, Stennett, Werk. Total - 19.

NAYS--Brandt, Burtenshaw, Cameron, Darrington, Fulcher, Geddes, Goedde, Hill, Jorgenson, Lodge, McGee, Pearce, Richardson, Schroeder, Sweet, Williams. Total - 16.

Total - 35.

Whereupon the President Pro Tempore declared **S 1357**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 443, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 443**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Malepeai, by voice vote the Senate adjourned at 11:38 a.m. until the hour of 9:30 a.m., Tuesday, March 14, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

